1953

File No. Est. II Pen 53 pt I

Legal Deptt

C **BRANCH**

Subject:— Correspondence relating to Pensions of Legal Department Establisments

(for subsequent pps. pl. see pt II)

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Est. II Pen
File No. 53 (Pt. I)

Gen. 194 e.

165-C

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Legal Department File No - Est. II Pen /53 Pt I

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Mjr/6/7
4 Cs.

No. 8315/33-X

Finance Department,
Secretariat (Annexe),
Fort, Bombay, 6th January 1953.

Subject :- Pension rules.
Option of - in the case of
Government servants invalidated
out of service.
.....

Memorandum.

The undersigned presents compliments to the Accountant Genral, Bombay, and is directed to state that Government servants invalided out of service before 1st January 1952 were not able to exercise the option to elect the pension rules of their choice within the time limit prescribed in Governmet Resolutions No. 8315/33 dated 20th December 1950 and 26th March 1951. As retirement on production of a medical certificate of incapacity for further service is an unforseen event, options exercised within 3 months from the date of such retirement or before 1st January 1952, whichever was earlier, may be accepted in audit. Accordingly, the sanction of Government may be presumed in such cases.

By order of the Governor of Bombay,

Assistant Secretary to the Government of Bomba
Finance Departm.nt.

Copy to

The Deputy Accountant General, Baroda,

All Departments of the Secretariat with an intimation that reference to Finance Department in cases of the type mentioned in the Memorandum may be dispensed with.

Mjr/ 4/7

4 Cs.

Compassionate Gratuity
Grant of- to families of Government servants left in indigent circumstances.

GOVERNMENT OF BOMBAY
Finance Department.
Circular No 1969/33

Secretariat Annexe, Fort, Bombay 18th December 1952.

In Government Circular, Finance Department, No 1969/33 dated 5th June 1943, Heads of Departments have been directed to see that applications from dependants of deceased Government servants for grant of gratuities from the Compassionate Fund are submitted to Government promptly after the death of the Government servants and that no under delay occurs in the disposal of such cases. In spite of these instructions, several cases have of late come to the notice of Government wherein inordinate delay has occurred in forwarding such applications, and consequent hardship to the applicants only serve to frustrate the object for which relief is provided from the Fund. In order to minimise the delay and to ensure submission of cases to the Compassionate Fund Committee within six months from the date of receipt of the applications, Government is pleased to issue the following instructions which should be strictly observed in dealing with such cases:-

(i) For guidance of Heads of Offices-

As soon as an application for compassionate gratuity is received from a member of the family of a deceased Government servant who is not eligible for the benefits of the Revised Pension Rules, the Head of Office should forward a copy thereof to the Head of Department and also to the Secretariat Department concerned. The Head of Office should simultaneously obtain from the applicant:-

(i) full particulars as required under Section B of Appendix XII-A of Bombay Civil Services Rules Volume II,
(ii) the descriptive roll of the applicant as in Rule 1-A in Section A of that Appendix and
(iii) the information regarding the treasury at which payment is desired

On receipt of these particulars from the applicant, the Head of Office shouldsend a copy of the form of particulars, duly filed in, direct to the Mamlatdar of the taluka in which the applicant resides for verification and submission of a re report regarding the financial condition of the applicant within a fortnight. If the Head of Office experiences any difficulty in obtaining the requisite particulars from the ap applicant, he should ask the Mamlatdar concerned to obtain them and forward the same to him along with the report regarding the financial position of the applicant. Sepcial care should be taken po see that the case is not prepared in a perfunctory manner as any omission in the required particulars will result in correspondence and consequential delay in submission of the case to the Compassionate Fund Committee. The entire enquiry should be completed expeditiously and both the particulars and the documents required by Government should be forwarded to the Head of the Department concerned with the least possible delay and, in any case, not later than 3 months from the date of the application. If a Head of Office feels that the case cannot be forwarded by him within the stipulated period, he should report the circumstances in which it will not be possible to adhere to the time-limit to the Secretariat Department concerned throug the Head of Department and ask for extension of time for a specified period. The Secretariat Department should then submit the report to its Secretary for obtaining orders of Chief Secretary on the point whether any exrension should be granted.

(ii) For guidance of Heads of Department.

The chief function of a Head of Department in so far as the disposal of compasionate gratuity cases is concerned, is to ensure that complete particulars and documents as required under the rules are received by him from the Head of Office within the stipulated period of three months from the date of application. As soon as the original application (together with the required particulars and documents) is received in his office, the Head of Department should forward the same to the Finance Department through the Secretariat Department concerned along with his recommendation. In no case should he take for this purpose more than one month from the date of receipt of the original application.

(iii) For guidance of Secretariat Departments:-

It is the responsibility of the Secretariat Department concerned to see that the respective time-limits prescribed for the Head of Office and the Head of Department are scrupulously observed. Once an advance copy of application from the Head Office is received, the administrative Department concerned should watch the progress of the case with a view of the ensuring its submission in time. In forwarding the original application to the Finance Department, the Secretariat Department should specify whether it supports the recommendation of the Head of Department. The time-limit allowed for the Secretariat Department is one month from the date of receipt of the original application from the Head Department.

2. In future, case received in the Finance Department will be submitted to the Compassionate Fund Committee in six batches every year. viz., April June, August, October, Devember and February instead of four as hitherto.

By order of the Governor of Bombay

R.C.RELE,
Under Secretary to Government.

G.C. No. 1969/33, F.D., dated the 18th December 1952.

To.
The Secretary to the Governor ,
The Secretary, Bombay Public Service Commission ,
The Secretary to the Chief Minister.
The Prothonotary and Senior Master, High Court, Bombay,
The Registrar, High Court, Appellate Side, Bombay,
The other Heads of Offices under the several Departments of the Secretariat,
The Departments of the Secretariat,
The Director of Publicity.
The Liaison Officer, Secretariat,
The Account General, Bombay ,
The Deputy Accountant General, Baroda.

Mjr/5/7
4 Cs.

Grant of Death-cum-Retairement Gratuity and Family Pension to Government seryants removed or retired from Government Service.

GOVERNMENT OF BOMBAY
Finance Department.
Circular Memorandum No. 8315/33,

Secretariat (Annexe), Fort, Bombay, 21st January 1953.

A question has arisen whether death-cum-retirement gratuity and family pension under rule 12 of the revised pension rules sanctioned in Government Resolution, Finance Department, No 8315/33, dated 20th December 1950, as amended from time to time, are admissible to Government servants who are removed or compulsorily retired from Government service on the ground of misconduct, insolvency or inefficiency and are granted by Government compassionate pension under Bombay Civil Services Rule 274. Government is placed to calrify that such Government servants are eligible to get, with the sanction of Government, death-cum-retirement gratuity and family pension. The amount of death-cum-retirement gratuity will be subject to a maximum of 2/3rdsof the death-cum-retirement gratuity which would have been admissible to the Government servants had they retired on medical certificate, the reduction in the amount of maximum gratuity admissible being made in the same proportion as is adopted in the case of pension. The grant of family pension should be regulated on the basis of the compssionate pension in accordance with the provisions in Section III in Government Resolution, Finance Department, No. 8315/33, dated 20th December 1950.

By order and in the name of the
Governor of Bombay,

R.C.RELE,

Under Secretary to the Government of Bombay,
Finance Department.

Mjr/5/7
4 Cs.

Revised Pension Rules:
Condonation of deficiency in "Qualifying service" for determining pension and gratuity under the --

GOVERNMENT OF BOMBAY
Finance Department

Circular No 8315/33,

Secretariat (Annexe), Fort, Bombay, 13th February 1953

CIRCULAR OF GOVERNMENT.

The Government of Bombay is pleased to issue the followin instructions in amplification of the revised pension rules issued in Government Resolution, Finance Department, No. 8315/ dated 20th December 1950, They shall be deemed to be in force from 1st April 1950.

Condonation of dificiencies in qualifying service.

2. Under paragraphs 3(2) and 5(1) of the Government Resolution referred to in paragraph 1 above, the minium qualifying service required for eligibility for death gratuity and family pension is five years and twenty-five years respectively. In cases where the qualifying service is less than the prescribed minimum the deficiency should not be condoned by invoking the provisions of Bombay Civil Services Rule 192. In other cases, the powers conferred under rule 192 should be restricted to ensure that where the benefit is given, it is given only to low paid employees proceeding on invalid or compensation pension. While condoning the defeicency in such cases, the instructions issued in Government Circular, Finance Department, No. 2472/33, dated 3rd March 1948, should be invariably followed. The term low paid employees may be taken to mean employees in receipt of last "pay", as defined in Section V, rule 9 of the revised pension rules sanctioned in Government Resolution, Finance Department, No. 8315/33, dated 20th December 1950, not exceeding Rs. 200 p . m.

By order and in the name of
the Governor of Bombay.

R.C. RELE ,
Under Secretary to Government

G.C.F.D., No. 8315/33, dated the 13th February 1953.

To,
The Secretary to the Government of India, Ministry of Finance, New,Delhi, etc.

Mjr/5/7
4 Cs.

Grantof -death-cum-Retirement Gratui and Family Pension to Government. Servants removed or retired from Government Sefvice.

GOVERNMENT OF BOMBAY.
FINANCE DEPARTMENT.
Circular Memorandum No 8315/33.
Secretariat (Annexe),
Fort, Bombay, 21st January 1953.

A question has arisen whether death-cum-retirement g gratuity and family pension under rule 12 of the revised pension rules sanctioned in Government Resolution, Finance Department No. 8315/33, dated 20th December 1950, as amended from time to time, are admissible to Government servants who are removed or compulsorily retired from Government service on the ground of misconduct, insolvency, or inefficiency and are granted by Government compassionate pension under Bombay Civil Services Rule 274, Government is pleased to clarify that such Government servants are elegible to get, with the sanction of Government, death-cum-retirement gratuity will be subject to a maximum of 2/3rds of the death-cum-retirement gratuity which would have been admissible to the Government servants had they retired on medical certificate the reduction in the amount of maximum gratuity admissible being made in the same proportion as is adopted in the case of pension. The grant of family pension should be regulated on the basis of the compassionate pension in accordance with the provisions in Section III in Government Resolution, Finance Department No. 8315/33, date 20th December 1950.

By order and in the name of the Governor of Bombay,

Sd/-
Under Secretary to the Government of Bombay
Finance Department.

To,
The Accountant General, Bombay, etc.

MJr/5/7

Copy of an Office Memorandum of the Government of India, Ministry of Home Affairs, No, 26/6/52-Estt. dated the 11th November 1952.

Subject:- Compulsory retirement of ministerial Government servants governed by F.R. 56(b)-(i) -- Compulsory retirement in pursuance of Note to Article 465A C.S.R.

It will be recalled that in the Ministry of Home Affairs Office Memoranda No.26/6/48-Estt., dated the 8th September 1948, and the 9th December 1948, the view expressed was that the retirement of a ministerial Government servant goberned by F.R. 56(b) (i) on or after attaining the age of 55 years but before attaining the age of 60 years, either due to want of efficiency or otherwise would attarct the provisions of section 240 (3) of the Government of India Act 1935. In other words, no such ministerial Government servant who had attained the age of 55 years but had no attained the age of 60 years could be retired from service unless he had t been given a reasonable opportunity to show cause against the proposed retirement and the representations, if any, made by him in that connection had been duly considered. This view was based on a liberal enlargement of the connection of the expression "dismissed" appearing in the said section 240(3) ; that expression was regarded as including retirement of the nature mentioned above.

2. Various authorities have since expressed strong d doubts regarding the soundness of the above view. The true scope and significance of the provisions of section 240 (3) of the Government of India Act and of the corresponding provisions of Article 311(2) of the Constitutic have also been considered now by many a High Court. The effec of F.R. 56(b)(i) too has been judicially pronouncements, the views expressed by the various authorities, the experience gained since the issue of the aforesaid memoranda and the history and interpretation of F.R. 56(b)(i) as accepted for a long period prior to the issue of those memoranda. The conclusions reached as to the correct position in the matter are set out in paragraphs 3 to 5 below for the information and guidance of all concerned.

L determined. The question has been reconsidered in the light of Judicial

3. F.R. 56(b)(i) provides a condition of service of a ministerial Government servant that he may be required to retire at the age of 55 but should ordinarily be retained in service up to the age of 60 provided he continues to be efficient. It would, therefore, be the option of the Government of ofother competent authority to continue him in service after 55, although the option should be ordinarily exercised in favour of the Governmant servant if he continues to be efficient. The judge of continued efficiency must also be the Government or other competent authority. The retirement of a ministerial Government servant on or after attaining the age of 55 will not be "dismissal" or "removal" in terms of Article 311 (2) and it is unnecessary to give him an opportunity to show cause on account of such retirement.

4. In this connection, it has further been decided that a periodical review of the cases of all such ministerial Government servants between the ages of 55 and 60 years shoul be made annually to ensure that their effciency has not deteriorated; so as to render their further retention in service contrary to the public interest, and action should be taken to retire officers where the review disclosed this to be necessary. It should also be clearly understood that in passing orders in such cases the competent authority would be free to take all the factors into account in order to ensure in every case that the retention of a man in service after attaining the age of 55 is on the whole in the public interest and not merely in the interest of the

individual Government servant concerned.

5. In the Home Ministry's Office Memorandum No, 26/3/47-Estt., dated the 12th March 1948, the view has been expressed that the retirement of an officer governed by Article 465-A of the Civil Service Regulations in exercise of the power conferred by Note 1 below that articel after the officer has completed twenty-five years' qualifying service but before he attains the age of 55 years attracts the operation of section 240(3) of the Government of India Act, 1935. The provision in the said Note is similar in character to the in F.R. 56(b)(i) and is one of the terms and conditions of service. Therefore, when a Government servant to whom the provision is applicable takes up service he must be presumed to have done so with the full understanding that the duration of his service will be up to the end of 25 years' qualifying service or till the attainment of the age of 55 years at the discretion of the competent authority. It is true that the Note provides that the right will not be exercised except when it is in the public interest to dispense with the further service of the officer. But Government itself must be the judge in each case whatever the action taken is in the public interest. It has therefore been decided that the exercise of such right by Government does not amount to "dismissal" or "removal" within the meaning of Article 311(2) of the Constitution, and no question of the officer being given an opportunity to show cause against the proposed action can arise. This decision is in accordance with the interpretation of the provision as accepted for a long period prior to the issue of the memorandum aforesaid

6. Accordingly, the Home Ministry's office Memoranda No. 26/6/48-Estt., dated the 8th September 1948 and 9th December 1948 and No 26/3/47-Ests., dated the 12 March 1948, are hereby cancelled. In dealing with cases of retirement of ministerial Government servants governed by F.R. 56(b)(i) and officers governed by Article 465-A, C.S.R. the observations contained in paragraphs 3 to 5 above should be borne in mind in future. Copies of this Office Memorandum may be communicated to all Attached and Subordinate Offices under the Ministry of, Finance Etc., for information and guidance.

No. 5219/46-D

Political and Services Department,
Bombay Castle, 19th February 1953.

Gorwarded with compliments to :-
The Secretary to the Governor.
The Prothonotary and Senior Master, High Court, Bombay (by letter)
The Registrar, High Court, Appellate Side, Bombay (by letter),
The Secretary, Bombay Public Service Commission,
The Accountant General, Bombay,
All other Heads of Departments under the several Departments of the Secretariat,
All Departments of the Secretariat,

for information and guidance with reference to Government endorsement, Policital and Services Department, No 5219/46-D, dated the 8th December 1950.

By order and in the name of the Governor of Bombay

M. D. BHANSALI
Chief Secretary to the Government of Bombay
Political and Services Government.

Mjr/5/7

4 Cs.

Foreign Service :
Recovery ofpension contribution
in respect of temporary
Government servants trans-
ferred to -

GOVERNMENT OF BOMBAY
Finance Department
Resolution No 3335/33,
Secretariat (Annexe), Fort Bombay, 20th May 1953.

RESOLUTION OF GOVERNMENT.

In paragraph 8 of Government Resolution, Finance Department, No 8315/33, dated 20th December 1950, it is laid down that half the continuous temporary service under the Government of Bombay rendered after the Government servant attained the minimum qualifying age, if followed by confirmation in a pensionable post, will counts as qualifying service for purpose of pension. There is thus a greater possibility of temporary service conting for pension. Government is, therefore, pleased to direct, in supersession of rule 3-A in Appendix VII-A in Bombay Civil Services Rules Manual, Volume, II, that when a temporary Government servant is transferred to foreign service, pension contributions should be recovered as in the case of p ermanent Government servants, at the rate in force from time to time in accordance with the orders of Government.

By order and in the name of the Governor of Bombay,

R.C.RELE,

Under Secretary to Government.

Mjr/5/7
4 Cs.

Procedure regarding payment of pension to Bombay Government pensioners who may have come as displaced persons from West-Pakistan.

GOVERNMENT OF BOMBAY
Finance Department,
Circular No. 2736/33,
Secretariat (Annexe), Fort,
Bombay, 25th September 1952.

In continuation of the order contained in Government Circular, Finance Department, No. 2736/33, dated the 21st April 1952, Government is pleased to extend for a further period upto 31st March 1953, and subject to the existing conditions, the present arrangements for the payment of advances of pensions, pending their transfer, to Bombay Government Civil Pendioners, who may have come as displaced persons from West Pakista

This extension will be applicable only to those pensioners who have already been in receipt of such advances and to the same extent.

By order of the Governor of Bombay

Sd/-

Under Secretary to Government.

To

* The Secretary to the Government of India, Ministry of Finance,

The Accountant General, Bombay,
The Deputy Accountant General, Baroda,
All The Departments of the Secretariat,
All The Treasury Officers,
The Secretary to the Chief Minister.

* By letter.

Mjr/5/7

4 Cs.

Procedure regarding payment of pension to Bombay Government Pensioners who may have come as displaced persons from West Pakistan.

Government of Bombay,
Finance Department.
Circular No. 2736/33.
Secretariat (Annexe),
Fort-Bombay
5th May * 1953

In continuation of the orders contained in Government Circular, Finance Department No.2736/33, dated the 25th September 1952, Government is pleased to extend for a further period upto the 30th September 1953 and subject to the existing conditions, the present arrangements for the payment of advances of pensions, pending their transfer, to Bombay Government Civil Pensioners, who may have come as displaced persons from West Pakistan.

This extension will be applicable only to those pensioners who have already been in receipt of such advances and to the same extent.

By order and in the name of the Governor of Bombay,

Sd/- R.C.Rele.

Under Secretary to Government.

To

The Secretary to the Government of India,
Ministry of Finance, New Delhi.

The Accountant General, Bombay,

The Deputy Accountant General, Baroda,

All Departments of the Secretariat,

All Treasury Officers,

The Secretary to the Chief Minister.

* By letter.

Mjr/ 5/7
4 Cs.

Dearness Allowance.
Counting of - as pay for the purposes of calculating pension.

Government of Bombay
Local Self Government and
Public Heqlth Department,
Resolution No.DLB-2153
Bombay Castle, 27th July 1953.

Resolution of Government.

The Government of Bombay is pleased to pass the followi orders in regard to the counting of half of Dearness Allowance as pay for the purpose of calculating the amount of pension admissible in the case of all employees of local bodies other than primary teachers, who were either actually drawing such allowance of would have drawn it but for their officiating in a post on a pay above the monetary limits of eligibility for the allowance:-

(i) In the case ofaan employee referred to above, the pensionable pay should be increased by half of the average of the Dearness Allowance which he had drawn or would have drawn in the posts, the pay in respect of which has been included in the calculation of pensionable pay under Bombay Civil Servgices Rules 9(41) or 9(41-A) as the case may be ;

(ii) Where an employee is eligible only for a gratuity, under rule 2188 of the Bombay Civil Services Rules Manual, one-half of the monthly Dearness Allowance in the appointment the pay of which is reckoned for gratuity should be added to his pay for the purpose of determining the amount of gratuity admissible;

(iii) For the purpose of these orders "dearness allowance" means the Dearness Allowance, including marginal Allowance (Adjustments) drawn up to 31st December 1946. Marginal Dearness Allowance which would have been allowed but for the introduction of war-allowance should also be taken into account for this purpose;

(iv) The extra pension admissible under these orders should be added to the existing pension and the two treated as one pension for purposes of commutation.

2. The orders contained in the preceding paragraph should apply to all eligible employees who retired after the 1st August 1942, but the resulting increase in pension should be granted only with effect from the 1st January 1946.

3. For the purpose of calculating wouhd, injury and family pensions, one-half of the monthly rate of Dearness Allowance for the period immediately prior to injury or death, as the cas may be, which could count under paragraph 1(i) above should be taken into account in all cases where the injury was sustained or death occurred on or after the 1st August 1942, but the increase in pension should be granted only with effect from the 1st January 1946.

4. The local bodies which desire to extend the above concession to its employees should pay pension contribution to Government in respect of their employees on account of the inclusion of half the Dearness Allowance in their pensionable pay.

5. The local bodies which extend the a bove concession to their employees should pay intreased pension contributicn in respect of all the employees in whose respect the pension contributions are paid to Government, irrespective of the fact whether the individual employee gets an additional pension on this account or not.

By order and in the name of the
Government of Bombay ,

B.J.Naik,

Under Secretary to Government.

To.

All the Directors of Local Authorities,
All the Collectors,
The Accountant General, Bombay (through the Finance Department),
The Examiner Local Fund Accounts,
The Finance Department, S
All Departments of the Secretariat,
(except Separate Department) and Finance Department.

Mjr/5/9
4 Cs.

Below application dated the 21st July 1953 from Smt. Hafizabi W/O Shiakh Abdul Razak regarding dearness allowance on Family Pension.

No. 16598/C
Legal Department,

Bombay Castle (Bombay No. 1), 7th August 1953

Forwarded with compliments to the Accountant General, Bombay, for disposal.

Sd/- E P B

oc.

Assistant Secretary to Government,
Legal Department.

Copy for information to

Smt. Hafizabi W/O Shaikh Abdul Razak,
1402, Ravivar Peth,
Poona City 2.

Mjr/5/7

4 Cs.

Submitted.

Shri V.R. Mane has been permitted to retire on superannuation from 1st March 1951. As a preliminary step it is necessary. to prepare and to forward to the A.G. Bombay statement of history of service and leave together with the service book and leave account for purposes of verification.

Necessary statement of history of service and leave have been prepared. These may be forwarded along with the service book and leave account of Shri V.R. Mane to the Acctt: Genl. Bombay, as per letter put up herewith for approval and signature.

Sd/- 27/7

S.S.

sd/- 28/7

A.S. Sd/- J.R. Dhurandhar 28/7

Mjr/5/7

4 Cs.

No. 12113
Legal Department.

Bombay Castle, (Bombay No. 1) 30th July 1951.

To
The Accountant General, Bombay.

Sir,

I am directed to forward herewith for verification the service book with leave account two copies of history of service and statement of leave of Shri V.R. Mane, of this Department who retired on superannuation on 1st March 1951 and to request that yoy will be so good as to return the same duly verified at an early date.

Yours faithfully,

Sd/ J.R.Dhurandhar

o.c. 28/7

Assistant Secretary to Government.

Mjr/5/7
4 Cs.

Legal Department.
R.I.No. 23862
20-11-51

Submitted.

2. The Accountant General Bombay has returned the statement of service of Shri V.R.Mane duly checked and requests to supply him with the following information:-

(I) Verification certificate in respect of service prior to 1-4-18 and from 2-4-48 onwards should be given

(2) Whether the applicant has elected to remain under old pension rules i.e. C.S. Rs. and if so give the date of the declaration;

(3) four entries and entry No. 14 of the application for pension should be made in block letters. The specimens of signatures of theapplicant and left hand thumb finger impression duly attested and attached to the pension papers;

(4) if there is likely to be any delay in the final disposal of the pension papers, the information required by A.G's General letter of 23 July 1920 to-gether with the declaration should be furnished to grant the applicant a provisional pension when he actually retires;

(5) application for pension should be furnished in duplicate if payment of pension is to be arranged for in another province;

(6) Annual verification certificate as required by B.C.S. Rs. 177 should be recorded in the service book.

(7) forms 1 and 2 of the fixation of pay on 1-1-47 and the declaration under rule 214(a) of B.C.S. Rs. . duly signed by the applicant should be furnished;

(8) if he has exercised his option with reference to G.R.F.D. No. 8315/33, dated 20-12-50 and 26-3-51, a dated declaration signed by him should also be furnished

3. As regards 2(1).- the verification certificate has been recorded in the statement which may be signed.

As regards 2(2).- Shri V.R. Mane comes under new pension Rules which came into force from 1st June 1929.

As regards 2(3) & (5).- necessary steps to complete the pension papers is being taken and Shri Mane is being asked to be present for the purpose.

As regards 2(4).- Shri Mane has already retired on supperannuation on 1-3-51 and is re-employed as P.A. to H.M. Excise and R.C.D. upto the end of 29th February 1952 on a salary equal to what he was getting at the time of his retirement munus the pension and hence the question of granting him provisional pension does not arise.

As regards 2(6).- As the annual verification certificate has not been recorded in his service book as regards his service in L.D. it may now be recorded in one entry to the effect "services verified from 22-2-1916 up to 5-3-43 from official records".

As regards 2(7).- Forms I and II have been obtained from the S.D. As Shri Mane is re-employed on the same pay minus pension he is not in need of immediate disbursement and hence the declaration under B.C.S.R. 214(a) is not necessary in his case.

As regards 2(8). - Shri Mane has already furnished the declaration exercising his option and the same has been attached to his service book.

4. Shri V.R. Mane retired on supperannuation with effect from 1st March 1951 and is reemployed in the same post on the same pay minus pension. His period of re-employment expires on 1st March 1952 but his pension becomes due on 1st March 1951. As he is retiring under the option 1(c). of the G.R.F.D. No. 8315/33 dated the 26th March 1951 i.e. he is entitled to supperannuation pension from the date of his retirement as he is required to retire as per F.D. G.R. No. 3162/33, dt 9-8-1939. Scale III of Rule 282 of the

B.C.S. Rs. will apply to him for calculation of pension subject to reduction of pension equivalent of the gratuity admissible under Section II of the Revised Pension Rules and is entitled to receive in lieu of this reduction in pension the retirement gratuity and family pension as provided under sections II and III due regard having given to the provisions of B.C.S.R. 188 pension equivalent is to be determined on the basis of the commutation table applicable to the Goct. servants at the time of retirement. Shri V.R. Mane has put in 35 years and 6 days service of which 33 years 8 months and 5 days is active service. He is therefore entitled to pension amounting to 24/48 of his pensionable pay under rule 278 of the B.C.S. Rs. The pensionable pay of Shri Mane (for the last 3 years) amounts to Rs. 11316-12 as calculated in the appended statement which when divided by 36 gives the quotient of Rs. 314-6-0. Half of this amount is Rs. 157-3-0 which is the amount of pension equivalent pension for gratuity.

5. Gratuity:- Gratuity is admissible at the rate of $\frac{9}{20}$ of the pay of a Govt. servant for each completed year of qualifying service subject to a maximum of 15 times the pay. As Shri Mane has put in more than 33 years and 4 months qualifying service he is entitled to the maximum of 15 months pay $=\left(\frac{\text{pay S.P.}}{240} \times 15\right)$ Rs. 4,950. For the gratuity of Rs. 4950/- pension equivalent according to commutationt able in App. XIV of B.C.S. Rs. Vol. II will be :-

age next birth day is 57 and hence commutation value expressed as years of purchase is 11.15:-

$$\frac{4950}{1} \times \frac{10}{1330} = \text{Rs. } 37$$

Hence total pension	=	Rs. 157-3
Reduction of pension equivalent of gratuity of Rs. 4950 admissible	=	Rs. 37- 0
net pension payable		Rs. 120-3-

P.T.O.

Thus Shri V.R. Mane is entitled to a pension of Rs. 120-3 p.m. and a gratuity of Rs. 4950/-

6. On approval of paras 3, 4 & 5 above pension papers will he prepared and completed.

Sd/-
4/12

Supdt.
Sd/-
10/12

A.S.
Sd/-
10/12

Resubmitted.

2. All the pension papers of Shri V,R. Mane have accordingly been prepared and necessary finger prints have been taken before the Asstt. Secy.

3. Pension claim is required to be admitted (vide instruction 1 to rule 213 of the B.C.S. Rs). pl. see also remark by the Head of the Department in the pension application.

4. The Secretary is requested to sign papges 1 and 2 of the pension application and pension order put up below. It is stated for secretary's information that there is nothing on record against Shri V.R. Mane.

Sd/-
21/12

Supdtt
sd/-
21/12

A.S.
Sd/-
22/12

Secy
Sd/- U. R.Dhurandhar
24/12

Mjr/5/7

4 Cs.

Statement showing the 6 years' average of the pensionable pay of Shri V.R. Mane..

Peiord	Pay drawn	Period of Duty	Period of Leave on average pay.	Certificate for the period required under rule 9(41) of the B.C.S. Rs.
March 1948	212 S.P90	Duty	-	
April "	212 S.P. 90	"	-	
May "	212 S.P .90	"	-	
June "	212 S.P. 90	"	-	
July "	212 S.P. 90	"	-	
August "	212 S.P. 90	"	-	
September"	212 S.P. 90	"	-	
October "	217-15 S.P. 90			
November"	220 S.P. 90	"	-	
December"	220 S.P. 90	"	-	
January 1949	220 S.P. 90	"	-	
February "	220 S.P. 90	"	-	
March "	220 S.P. 90	"	-	
April "	220 S.P. 90	"	-	
May "	220 S.P. 90	"	-	
June "	220 S.P. 90	"	-	
July "	220 S.P. 90	"	-	
August "	220 S.P. 90	"	-	
September"	220 S.P. 90	"	-	
October "	227-6 S.P. 90	"	-	
November "	230 S.P. 90	"	-	
December "	230 S.P. 90			

P.T.O.

January	"	230		
	S.P.	90	"	-
February	" S.P.	230		
	S.P.	90	"	-
March	"	230		
	S.P.	90	"	-
April	"	230		
	S.P.	90	"	-
May	"	230		
	S.P.	90	"	-
June	"	230		
	S.P.	90	"	-
July	"	230		
	S.P.	90	"	-
August	"	230		
	S.P.	90	"	-
September	"	230		
	S.P.	90	"	-
October	"	237-7		
	S.P.	90	"	-
November	"	240		
	S.P.	90	"	-
December	"	240		
	S.P.	90	"	-
January	" (45)	240		
	S.P.	90	"	-
February	"	240		
	S.P.	90	"	-

11316-12

11316-12÷ 36 = 314-6-0

Half of 314-6-0 = 157-3-0 (pension)-

Gratuity.-

Total service 35- 0
Minus leave period 1-4-1

Qualifying service 33-8-5

$\frac{101}{1} \times \frac{3}{20}$ $\frac{\&303}{20}$ $15\frac{3}{20}$

i.e. 15 months pay.

pay special pay

240 + 90 = 330
x 15

Rs. 4950

Mjr/5/7
4 Cs.

For the gratuityof Rs. 4950/- pension equivalent will be (age next birth day is 57 and hence connutation value expreceased as years of purchase is 11.15) therefore $\frac{4950}{1} \times \frac{10}{1338}$ = Rs. 37/-

hence total pension = Rs. 157-3-0

reduction of pension equivalent of the gratuity of Rs. 4950/- admissible	Rs. 37-0-0
net pension payable	Rs.120-3-0

Mjr/5/7

4 Cs.

Declaration to be signed by an Applicant for Pension Or Gratuity.

I, (Name) ----------, hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of w which pension or gratuity is claimed herein, nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon.

Singature of Applicant.

Bombay,

Mjr/5/7
4 Cs.

Separate Department.

According to G.M., L.D. No. 1786, dated the 8-2-50 the extension of service granted to Shri V.R.Mane, P.A. to H.M., Ex. & R.C.D. expires on the 28-2-51. Before the sergic book etc. of Shri Mane are sent to the L.D. for preparation of his pension papers it is necy. to ascertain whether H.M. Ex.& RCD is willing to relieve Shri Mane from Goct. service ~~submitted~~ with effect from the 1-3-51. These pps. may therefore be submitted to H.M. for orders.

Id/-
8-1-51

A.S.

R.D.S.

H.M., Ex & R.C.D.

He should be continued for
one year more.

Id/-

9/1

Resubmitted

These pps. may be passed on to the L.D. for necy. action in the matter.

Id/-
10/1/51. Id/- 10/1/51.

R.D.S. Id/10/

U.O.R. to L.D. No. 14-A/146 dated 11-1-51

Mjr5/7

4 Cs.

Legal Department.

Submitted with reference to Separate Department note dated 8/1/51 and also H.M. Excise & R.C.D's orders dated 9/1/51 endrleaf. Shri Mane is granted one year's extension with effect from 1/3/51 by the H.M.

Attention, in this, connection is invited to Secy. F.D's note dated 16/1/50 on the last occasion F.D. had no objection on the last occasion to give one years extension provided that was the last extension. As on the last occasion this may be shown to Secy. F.D. and the P. & S.D. in the first instance.

Id/
12/1/51

Supdt. Id/-
13/1

Secy Id/ P.M.L.
13/1 I think that considering that he is doing the work of P.A. to HlM. and as H.M. desired to continue him in that capacity, the exten.- sion may be granted

Id/- P.M.Lad
13/1

Mjr/5/7
4 Cs.

No. 20670
Legal Department,
Bombay Castle (Bombay No. 1) 28th December 1951

To
The Accountant General,
Bombay,

Subject :-Pension : Shri V.R.Mane.

Sir,

In returning herewith your endorsement No. P.R./2724, date the 28th August 1951, I am directed to forward under rule 215 of the Bombay Civil Services Rules an application for superannuation pension of Shri V.R. Mane, a steno-typist of this Department with necessary forms (form M.24, Last pay certificate, Application for pension and other documents) duly filled in and to inform you that Shri B.R. Mane's pay for last three years comes to Rs. 11316-12 which when divided by 36 gibes the quotient of Rs. 314-6 -c, the half whereof is Rs. 157-3-0 which is the amount of pension permissible subject to the reduction of equivalent pension for gratuity.

Gratuity:- As Shri V.R. Mane has put in more than 33 years and 4 months qualifying service he is entitled to the maximum of 15 months pay i.e. Rs. 4950/- as gratuity. For the gratuiry of Rs. 4950/- pension equivalent according to commutation table in Appendix XIV of Bombay Civil Services Rules, Volume II will be Rs. 37-0. Hence Shri V.R. Mane is entitled to a net pension of Rs. 120-3 (157-3-37).

2. Necessary verification certificate in respect of service prior to 1-4-18 and from 2.4.48 onwards has been given.

3. Shri V.R. Mane comes under new pension Rules which came into force from 1-6-1929.

4. Shri Mane has already retired on superannuation on 1-3-51 and is reemployed as Personal Assistant to Honourable Minister Excise and Reconstruction Department up to the end of 29-2-52 on a salary equal to what he was getting at the time of his retirement minus the pension and hence question of granting him provisional pension does not arise.

5. Necessary annual verification certificate has now been recorded in his service book.

P.T.O.

6. Forms 1 and 2 of the fixation of pay on 1-1-47 are attached herewith. As Shri Mane has been re-employed he is not in need of immediate disbursement and hence the declaration under Bombay Civil Service Rule 214(a) is not necessary.

7. Shri Mane has exercised his option in favour of paragraph 1(c) of the Government Resolution, Finance DepartmentNo. 8315/33, dated the 26th March 1951 and his declaration to that effect is attached herewith.

8. As Shri mane has been reemployed on a salary he was getting at the time of his retirement minus pension, it is absolutely necessary to fix the amount of his pension before the end of the current financial year so that the necessary adjustments can bemade within time.

Yours faithfully,

Sd/-

o.c. 28/12

for Secretary to Government.

Legal Department.

Mjr/5/7

4 Cs.

No. 6889
Legal Department
Bombay Castle (Bombay No. 1) 2nd May 1952

To
The Accountant General,
Bombay,

Subject: Pension papers of Shri V.R. Mane,
Ex. P.A. to H.M. Ex. S.R.C.D.

Sir,

With reference to your letter No. PR.II/5450, dated the 9th February 1952, on the above subject, I am directed to return herewith the pension papers of Shri V.R. Mane duly corrected and completed with the following observations:-

(1) the column Duty period counting for service has now been filled in.

(2) there are no specific orders sanctioning service or 'section writers' as pensionable. In the absence of specific orders to that effect if service from 22-2-16 to 31-3-18 is to be treated as nonpensionabl the qualifying service of Shri Mane will undergo a change from 33 years, 8 months and 5 days to 31 years 6 months and 25 days. This has effect of reducing his gratuity from 15 months to 14 months.

(3) by Government Resolution, Political and Services Depart ment No. 1946/34, dated the 14th May 1947, the posts on the establishment of Honourable Ministers were created permanently for a period of five years commencing from the date of assumption of office by the Ministry in 1946 and hence Shri Mane was not officiating but was holding the post in a substantive capacity and the sacles of pay drawn by Shri Mane during the last three years of his service were correctly shown as attached to the post of P.A. and not as clerk in the Legal Department (vide corrected entries in the Service Book).

(4) the special pay of Rs. 90/- is attached to the person and not to the permanent post and hence

cannot be conted for the purpose of death-cum retirement gratuity under section V of Government Resolution, Finance Department No. 8315/33, dated 20th December 1950. The view expressed by you in this behalf is correct. Accordingly Shri Mane is entitled to a gratuity of Rs. 3360/- (240x14). For a gratuity of Rs. 3360/- pension equivalent will be (age next brith-day is 57 and hence commutation value expressed as year of purchase is 11.15) therefore

$$\frac{3360}{1} \times \frac{10}{1338} = 25\text{-}2\text{-}0$$

Total pension Rs. 157-3-0

reduction in pension equivalent of gratuity of Rs. 3360/- admissible. - Rs. 25-2-0

Net pension admissible - Rs.132-1-0

Necessayy revised statement and revised pension order are attached herewith.

(5) It is a fact that Shri Mane has been given twice extension of service. Necessary entries have now been made in the service book and in the history of service.

Yours faithfully,

Sd/- S.W.Dhurandhar
29/4/52

o.c.

Assistant Secretary to Government.

Mjr/5/8

4 Cs.

VERY URGENT.

No. 12705/C

Legal Department,
Bombay Castle (Bombay No.1), 11th June 1953

To
The Accountant General,
BOMBAY.

Subject:- Pension of Shri V.R. Mane, Ex-P-A to M. Excise and R.C.D.

Sir,

I am directed to invite your attention to this Department letter No. 10078, dated the 17th June 1952, on the a bove subject, and the subsequent reminder No. 603/C, dated the 10th January 1953 and to enquire whether the final pension payment order has been issued in favour of Shri V.R. Mane. If it is likely to take some more time to fix his pension finally, a pro visional pension order may please be issued immediately in his favour as his case has been long delayed.

2. I am to add that Shri V.R. Mane has been pressing this Department for the fixation of his pension and is understood to have reminded you on several occasions in the past.

3. A very early reply is requested.

Yours faithfully,

Sd/-

o.c.

Assistant Secretary to Government,
Legal Department.

Mjr/5/7

4 Cs.

No. PAI -20-1694

OFFICE OF THE ACCOUNTANT GENERAL,
Bombay. Dt. 11 August 1953.

To

The Secy. to the Govt. of Bombay,
Legal Deptt. Bombay.

Sub:- Pension of Shri V.R. Mane,
Ex.P;A. to the M. Excise & R.C.D.

Sir,

With reference to Goct. L.D. letter No. 13568/c dt 25-6-53 I have the honour to state that final P.P.O. No 155538 & D.C.R. Gratuity order No 2869 in favour of Shri V.R. Mane were issued for payment at the Poona Try. forwarded to the Try. Officer, Poona under this office No. PAI -20-20- dt . 13.4.53. An intimation to this effect was also sent to Govt. under No. PAI-20-20-A dt. 13-4-53.A copy of this letter is being forwarded to Shri V.R. Mane for information.

Yours faithfully

Sd/-

Asstt. Accounts Officer.

Mjr/5/7

4 Cs.

Slip of Finger Impressions of Pensioner

Impressions of Hawaldar Ganapat Ramji Kumbhar Gudekar

Late of : Legal Department

Name of officer attesting	B.P.Bhamgara
Designation	Assistant Secretary to Government, Legal Department, Secretariat, Bombay.
Place	Bombay,
Date	26th May 1953.

Signature of Officer attesting)

Sd/-

O.C.

Assistant Secretary to Government

Legal Department.

Specimens of Signature of Hawaldar Ganpat Ramji Kumbhar Gudekar, Legal Department.

Specimen Signature.

Name,

1. Ganpat Ramji

2 Ganpat Ramji

Before me

Sd/-

O.C.

Assistant Secretary to the Government.

of Bombay, Legal Department.

Mjr/5/7

4 Cs.